

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-95-3847; FR-3828-N-01]

NOFA for the Public and Indian Housing Tenant Opportunities Program Technical Assistance

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability for FY 1995.

SUMMARY: HUD is announcing the availability of \$25 million for Fiscal Year 1995 under the Public and Indian Housing Tenant Opportunities Program (TOP). HUD reinvented resident management and created the TOP to expand the range of the resident-managed activities, so that resident organizations can set priorities based on the needs in their communities. The program provides assistance to Resident Councils (RCs), Resident Management Corporations (RMCs), Resident Organizations (ROs) and National Resident Organizations (NROs), Regional Resident Organizations (RROs), and Statewide Resident Organizations (SROs), to fund training and other tenant opportunities, such as the formation of such entities, identification of the relevant social support needs, and securing of such support for residents of public and Indian housing. The NOFA discusses eligibility, funding amounts, selection criteria, how to apply for funding, and the selection process.

DATES: Application kits may be requested beginning March 1, 1995. The application deadline will be specified in the application kit, and will be firm as to date and time. Applicants will have at least 60 days from today's publication of the NOFA to prepare and submit their applications.

ADDRESSES: To obtain a copy of the application kit, please write the Resident Initiatives Clearinghouse, Post Office Box 6424, Rockville, MD 20850, or call the toll free number 1-800-955-2232. Requests for application kits must include your name, mailing address (including zip code), telephone number (including area code), and should refer to document FR-3828. This NOFA cannot be used as the application.

FOR FURTHER INFORMATION CONTACT: Christine Jenkins or Barbara J. Armstrong, Office of Community Relations and Involvement, Department of Housing and Urban Development,

451 Seventh Street, S.W., Room 4112, Washington, D.C. 20410; telephone: (202) 708-3611. All Indian Housing applicants may contact Tracy Outlaw or Charles Bell, Office of Native American Programs, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room B-133, Washington, D.C. 20410; telephone: (202) 755-0032. Hearing- or speech-impaired persons may use the Telecommunications Devices for the Deaf (TDD) by contacting the Federal Information Relay Service on 1-800-877-TDDY (1-800-877-8339) or 202-708-9300 for information on the program. (Other than the "800" TDD number, telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520), and assigned OMB control number 2577-0127.

I. Purpose and Description

A. Authority

Section 20, United States Housing Act of 1937 (42 U.S.C. 1437r); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

B. Statutory Background

Section 122 of the Housing and Community Development Act of 1987 (Pub. L. 100-42, approved February 5, 1988) amended the U.S. Housing Act of 1937 (1937 Act) by adding a new section 20. In part, section 20 states as its purpose the encouragement of "increased resident management of public housing projects [and the provision of funding] * * * to promote formation and development of resident management entities" (Sec. 20(a)). Under section 20(f)(1):

(The Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.)

Under section 20(f)(2), this financial assistance may not exceed \$100,000 with respect to any public housing project. Section 20 is implemented in 24 CFR part 905, subpart O (for Indian housing), and part 964 (for public

housing). The rules set forth, among other things, the policies, procedures, and requirements of resident participation and management of public and Indian housing.

In FY 1988, \$2.5 million was awarded to 27 resident organizations; in FY 1989, \$2.5 million was awarded to 35 resident organizations; in FY 1990, \$2.4 million was awarded to 37 resident organizations; in FY 1991, \$4.9 million was awarded to 96 organizations; in FY 1992, \$4.6 million was awarded to 94 organizations; in FY 1993, \$4.7 million was awarded to 94 organizations; and in FY 1994, \$24 million was awarded to 257 organizations with \$1 million awarded to ten NROs/RROs/SROs. In FY 1995, \$25 million is available to Public and Indian Housing RCs/RMCs/ROs, of which \$1 million is set-aside for NROs/RROs/SROs to provide technical assistance and training activities under the TOP program.

Today, 640 resident groups throughout the country are in training under this program. HUD supports the tenant opportunities movement, as well as other self-sufficiency and improvement programs designed to benefit public and Indian housing residents. The Office of Community Relations and Involvement (formerly called the Office of Resident Initiatives) has been created to deliver a variety of resident initiative programs, with assistance from a network of Community Relations and Involvement Specialists (CRIs) in HUD's field structure. The CRIs are available to provide direct assistance to residents and resident groups interested in resident initiatives programs.

C. Key Features of this NOFA

(1) The TOP Program meets the need in many communities for business development, education, job training and development, social services, and opportunities for other self-help initiatives. The program enables resident entities to establish priorities based on the efforts in their public and Indian housing communities that are aimed at furthering economic lift and independence. The authority for the TOP program is found in section 20 of the 1937 Act; section 20(f) authorizes technical assistance and training. Financial assistance in the form of technical assistance grants is provided by the Secretary to resident grantees to prepare for management activities in their housing development (hereinafter referred to as TOP technical assistance grants). Technical assistance grants are available for "the development of resident management entities, including the formation of such entities, the

development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects and the securing of such support."

Residents may use TOP technical assistance grants for training related to any TOP initiative. The results from organizations in training have been significant and multifaceted. For example, resident-managed activities have resulted in economic development, resident self-sufficiency, improved living conditions, and enhanced social services for residents (i.e., child care and other youth projects). TOP will provide public and Indian housing residents the opportunity to be trained and move toward responsible roles in their communities. The training will aim to enhance the functioning of the resident council as well as develop skills to engage in resident managed activities in its community. TOP will strongly encourage resident entities to develop a partnership with their public housing agency or Indian housing authority (hereafter jointly referred to as "HA"). The Department is committed to building a real partnership among HAs, residents, and HUD.

(2) RCs/RMCs/ROs that have been in existence for several years or that were recently formed may receive up to \$100,000.

(3) All applicants that are selected for funding (including NROs/RROs/SROs) will access the grant funds through the Line of Credit Control System (LOCCS), as explained in Section I.D, "Funding," of this NOFA.

(4) An application kit is required as the formal submission to apply for funding. The kit includes information on the preparation of a Work Plan and Budget for activities proposed by the applicant. This process facilitates the expeditious execution of a TOP Technical Assistance Grant (TOP TAG) for those applicants that are selected to receive funding. The kit also includes narratives, certifications, and forms. Included in the application kit this year is a new certification that requires each applicant RC/RMC/RO to certify that it has held a democratic election. The certification must be signed by an authorized representative of the local HA.

(5) The information listed below is regarding all HOPE I grantees:

All HOPE I applicants' applications will be screened. A cross-check will be made against the HOPE I Planning grants and HOPE I Implementation grants, to assure compliance with section 20(f)(4) of the 1937 Act, which states: "The Secretary may not provide

financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III." HOPE I Planning and Implementation grantees were required to propose plans to establish a RC, RMC, or cooperative association where one did not exist for the proposed homeownership site, including the development or formation of that entity. In addition, HOPE I Full Planning and Implementation grant applicants were expected to include in their applications all eligible activities necessary to make their proposed homeownership program feasible (even if some of the proposed activities were to be carried out with non-HOPE I funds, such as resident management funds). Consequently, in reviewing Tenant Opportunities Program grant applications, the following rules apply:

Rule 1. An applicant for TOP funds that has received a HOPE I Full Planning or Implementation grant (as a lead or joint applicant) may not also receive a TOP grant, unless the applicant proposed in its HOPE I application to use resident management funding to carry out those activities.

Rule 2. An applicant for TOP funds that has received a HOPE I Mini Planning grant (as a lead or joint applicant) may not receive a TOP grant for any activity proposed for funding in the HOPE I grant. Mini Planning grant applicants may apply for a TOP grant if the activities proposed in the TOP application are not duplicative.

(6) All applicants will have an opportunity to correct technical deficiencies in this application submission as provided for in this NOFA.

D. Funding

As noted, \$25 million is being made available on a competitive basis under this NOFA to applicants that submit timely applications and are selected for funding. Section 20 provides that not more than an aggregate of \$100,000 may be approved with respect to any TOP project.

Of the \$25 million total current funds, \$1 million will be awarded to National Resident Organizations (NROs), Regional Resident Organizations (RROs), and Statewide Resident Organizations (SROs), to provide technical assistance to public and Indian housing residents.

With the remaining \$24 million, the Department will be providing two types of grants to RCs/RMCs/ROs: (1) Basic Grant; and (2) Additional Grant.

Basic Grants

All RCs/RMCs/ROs that have been in existence for several years and new emerging groups that meet eligibility requirements (see Definitions) may apply for a Basic grant for up to \$100,000. All grantees will access the TOP grant funds through a line of credit control system (LOCCS).

To ensure the progress of the grantees, each grantee will be allowed to draw down through LOCCS only the specific amount of funding needed to complete the tasks and subtasks specified in the work plan. The grantee must complete all activities under Phases 1 and 2 in the work plan prior to advancing to Phases 3 through 5 and receiving additional funds, except for those activities that can be reasonably construed as being ongoing, such as technical assistance or training.

The local HUD Field Office will be responsible for approving the work plan and determining the ability of the grantee to access LOCCS.

Additional Grants

Any RC/RMC/RO selected for a Resident Management (RM)/TOP grant in FYs 1988-1994 (including a minigrant for start-up activities) that received less than a total of \$100,000 may apply for an Additional Grant not to exceed (including previous grants) the total statutory maximum of \$100,000.

To ensure the progress of the grantees, each grantee will be allowed to draw down from LOCCS only the specific amount of funding needed to complete the tasks and subtasks specified in the work plan. Each Additional Grant grantee must provide a progress report that will indicate progress and the activities that are completed. The local HUD Field Office will be responsible for approving the work plan and determining the ability of the grantee to access LOCCS.

Each Additional Grant applicant must demonstrate the need for additional funding by submitting evidence of completing specific activities. An Additional Grant applicant may receive a higher score if most of the activities listed in Section I.L. of this NOFA are completed and documentation is included as evidence.

NROs/SROs/RROs Grant

The purpose of this grant is to provide technical assistance to public and Indian housing residents desiring either to establish a RC/RMC/RO where one does not exist or to organize an inactive RC/RMC/RO. The awards will be competitive, using the Rating Factors in

Section I.M of this NOFA, and applicants must meet eligibility requirements. The local HUD Field Office will be responsible for approving the work plan and determining the ability of the grantee to access LOCCS.

E. TOP Technical Assistance Grant Agreement

Grant awards will be made through a TOP Technical Assistance Grant Agreement which defines the legal framework for the relationship between HUD and a resident grantee for the proposed activities approved for funding. The grant agreement will contain all applicable requirements, including administrative requirements such as progress reports, a final report, a final audit, accessing the LOCCS to draw down funds, and all the necessary forms needed to execute the grant. No funds can be drawn down by grantees until the grant agreement is executed by the local HUD Field Office.

F. Definitions

The following definitions apply to public housing, as provided in 24 CFR 964.115 and 964.120:

Resident Council (RC). An incorporated or unincorporated nonprofit organization or association that shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the HA/ HUD, and be eligible to receive funds for resident council activities, and stipends for officers for their related costs for volunteer work in public housing:

(1) It may represent residents residing in scattered site buildings, in areas of contiguous row houses; or in one or more contiguous buildings; in a development; or in a combination of these buildings or developments;

(2) It must adopt written procedures such as by-laws, or a constitution which provides for the election of residents to the governing board by the voting membership of the residents residing in public housing on a regular basis but at least once every 3 years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression of the voting membership's desire for a recall election, and set the number of percentage of voting membership ("threshold") who must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(3) It must have a democratically elected governing board that is elected by the voting membership. At a

minimum, the governing board should consist of five elected board members. The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents.

Resident Management Corporation (RMC). An entity that consists of residents residing in public housing must have each of the following characteristics in order to receive official recognition by the HA and HUD:

(1) It shall be a nonprofit organization that is validly incorporated under the laws of the State in which it is located;

(2) It may be established by more than one resident council, so long as each such council:

(a) Approves the establishment of the corporation; and

(b) Has representation on the Board of Directors of the corporation;

(3) It shall have an elected Board of Directors, and elections must be held at least once every 3 years;

(4) Its by-laws shall require the Board of Directors to include resident representatives of each resident council involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall, and term limits if desired.

(5) Its voting members shall be heads of households (any age) and other residents at least 18 years of age and whose name appears on the lease of a unit in public housing represented by the resident management corporation;

(6) Where a resident council already exists for the development, or a portion of the development, the resident management corporation shall be approved by the resident council board and a majority of the residents. If there is no resident council, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and

(7) It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of this part for a resident council.

The following definitions apply to Indian Housing as defined in 24 CFR part 905.962:

Resident Management Corporation (RMC). An entity that proposed to enter into, or enters into a contract to manage IHA property. The corporation must have each of the following characteristics:

(1) It must be a nonprofit organization that is incorporated under the laws of

the State or Indian tribe in which it is located.

(2) It may be established by more than one resident organization, so long as each such organization both approves the establishment of the corporation and has representation on the Board of Directors of the corporation.

(3) It must have an elected Board of Directors.

(4) Its by-laws must require the Board of Directors to include representatives of each resident organization involved in establishing the corporation.

(5) Its voting members are required to be residents of the project or projects it manages.

(6) It must be approved by the resident organization. If there is no organization, a majority of the households of the project or projects must approve the establishment of such an organization.

Resident Organization (RO). A Resident Organization (or "Resident Council" as defined in section 20 of the Act) is an incorporated or unincorporated nonprofit organization or association that meets each of the following criteria:

(1) It must consist of residents only, and only residents may vote.

(2) If it represents residents in more than one development or in all of the developments of an IHA, it must fairly represent residents from each development that it represents.

(3) It must adopt written procedures providing for the election of specific officers on a regular basis.

(4) It must have a democratically elected governing board. The voting membership of the board shall consist solely of the residents of the development or developments that the RO represents.

The following definitions apply to NRO/RRO/SRO applicants:

National Resident Organization (NRO). An incorporated nonprofit organization or association for public and Indian housing that meets each of the following requirements:

(1) It is national (i.e., conducts activities or provides services in at least two HUD Areas or two States);

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the country must comprise the majority of the board of directors.

Regional Resident Organization (RRO). An incorporated nonprofit organization or association for public or Indian housing that meets each of the following requirements:

(1) It is regional (i.e., not limited by HUD Areas, including Tribal Areas); and

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the region must comprise the majority of the board of directors.

Statewide Resident Organization (SRO). An incorporated nonprofit organization or association for public or Indian housing that meets the following requirements:

(1) It is Statewide;

(2) It has experience in providing start-up and capacity-building training to residents and resident organizations; and

(3) Public or Indian housing residents representing different geographical locations in the State must comprise the majority of the board of directors.

G. Eligibility

Only organizations that meet the definition of a RC/RMC/RO or a NRO/RRO/SRO, as set forth under the Section I.F, "Definitions," of this NOFA will be eligible for funding under this NOFA. The following considerations also apply:

(1) Only public and Indian housing RCs/RMCs/ROs and NROs/SROs/RROs are eligible to apply for this grant. The local HAs, Section 8 developments, or other federally subsidized housing communities are not eligible to apply.

(2) A RC/RMC/RO will receive consideration for a basic grant based on the rating factors contained in Section I.K. of this NOFA.

(3) A RC/RMC/RO selected for funding in FYs 1988–1994 that received less than the statutory maximum of \$100,000 may apply for an Additional Grant not to exceed (including previous grants) the total statutory maximum of \$100,000.

(4) A RC/RMC/RO will receive consideration for an Additional Grant based on the rating factors contained in Section I.L. of this NOFA.

(5) Grantees that were awarded the maximum total amount of \$100,000 in FYs 1988–1994 are not eligible to apply.

(6) Only one application will be considered for funding from an individual development. If more than one application is received from a development, only the application from the duly elected RC/RMC/RO will be considered. All other applications will be rejected.

(7) A city-wide organization (consisting of members from RCs/RMCs/ROs who reside in housing

developments that are owned and operated by the same HA within the city) may represent more than one RC/RMC/RO within an HA. Under some circumstances, a number of the RCs/RMCs/ROs who are members of a city-wide organization may wish to apply jointly for a grant. In that case, a city-wide organization may represent these developments and apply for a grant as a city-wide applicant. The individual developments under the umbrella of the city-wide organization may apply for a separate grant only if the activities that are included in the individual development's application are not the same activities that are included in the city-wide organization's application. All applications will be screened for duplicative activities. In addition, the city-wide organization cannot include an application for funding any individual development that has received RM/TOP technical assistance funding totalling \$100,000 in previous years.

(8) A jurisdiction-wide organization (consisting of members from RCs/RMCs/ROs who reside in housing developments that are owned and operated by the same HA within that HA's jurisdiction, other than a city-wide organization making an application in accordance with paragraph (7) in this Section I.G) may be formed for the purpose of advising the HA Board of Commissioners or Executive Directors in all areas of HA operations. In that case, the jurisdiction-wide organization may apply for a grant to carry out jurisdiction-wide programs. These grants will have no impact on the individual RC/RMC/RO funding.

(9) An NRO/SRO/RRO that is organized to provide technical assistance to RCs/RMCs/ROs may receive grants up to \$100,000. An NRO/SRO/RRO previously funded for \$100,000 may apply for a new TOP grant only if the groups represented in its application are new groups. The local HUD Field Office will screen the application for this purpose.

H. Eligible Activities

Activities for which funding under this NOFA may be provided to an eligible RC/RMC/RO or NRO/RRO/SRO include any combination of, but are not limited to, the following:

(1) Resident Capacity Building:

- Training board members in community organizing, board development, and leadership training; and

- Determining the feasibility of the TOP initiatives for a specific development.

(2) Resident Management:

- Building and strengthening its capacity as an organization (e.g., establishing operating/planning committees and block/building captains to carry out specific organizational tasks, developing by-laws, etc.); developing a cohesive relationship between the residents and the local community; and building a partnership with the HA;

- Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a project;

- Training of residents with respect to fair housing and equal opportunity requirements;

- Gaining assistance in negotiating management contracts and in related contract monitoring and management procedures, and designing a long-range planning system related to contracts; and

- Assisting in the actual creation of an RC/RMC/RO, such as consulting and acquiring legal assistance to incorporate, prepare by-laws, draft a corporate charter, and apply for nonprofit status.

(3) Resident Management Business Development:

- Economic development training related to resident management and technical assistance for job training and placement in RC/RMC/RO developments;

- Technical assistance and training in business development related to resident management, through feasibility and market studies; development of business plans; affirmative outreach activities; and innovative financing methods, including revolving loan funds; and

- Legal advice in establishing resident management-required business entities.

(4) Partnerships:

- Establishing and providing to residents in each community training related to the Partnership Paradigm Technical Assistance (PPTA)/Technical Assistance Organization (TAO) model. This is an optional partnership that would bring together residents, the HA, and HUD, in an effort to create a community-based process that offers technical assistance and training related to building the partnership between the residents, the HA, and HUD and to oversee and carry out activities in the TOP program. HUD's Office of Community Relations and Involvement (OCRI) may be contacted at the address and telephone number listed at the beginning of this NOFA for additional information, if there is an interest in the PPTA.

- Other partnerships developed by the local residents/HA in the community.

(5) Social Support Services (such as self-sufficiency and youth initiatives):

- Feasibility studies to determine training and social services needs;
- Coordination of support services;
- Training for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, and before- and after-school programs;
- Training programs on health, nutrition, and safety;
- Workshops for youth services, child abuse and neglect prevention, and tutorial services, in partnership with community-based organizations, such as local Boys and Girls Clubs, YMCA/YWCA, Boys/Girls Scouts, Campfire, Big Brothers/Big Sisters, 4-H Clubs, etc.; and
- Training in the development of strategies to implement youth programs successfully. For example, assessing the needs and problems of the youth; improving youth initiatives that are currently active; and training youth, housing authority staff, and RCs/RMCs/ROs on youth initiatives and program activities.

(6) General:

- Required training on HUD regulations and policies governing the operation of low-income public and Indian housing, financial management, capacity building to develop the necessary skills to assume management responsibilities at the project, and property management;
- Training in accessing other funding sources;
- Developing performance standards and assessment procedures to measure the success of the RC/RMC/RO;
- Assistance in acquiring fidelity bonding and insurance, but not the cost of the bonding and insurance;
- Assessing potential management functions or tasks that the RC/RMC/RO might undertake;
- Training in resident management-related skills, such as computer and clerical (payroll clerk/records management) skills;
- Resident management-related employment training and counseling;
- Hiring trainers or other experts (resident grantees must ensure that all training is provided by a qualified housing management specialist, a community development specialist, the HA, or other sources knowledgeable about the program). Generally, no more than 50% of the grant funds or \$50,000, whichever is less, should be used for any one consultant for this purpose;

- Rental or lease of a car, van, or bus by resident grantees to attend training related to the TOP initiatives; and

- Stipends, as provided in this paragraph. Officers and members of a RC/RMC/RO should not receive stipends for participating in or receiving training under the TOP. If RCs/RMCs/ROs are interested in implementing resident-managed activities, stipends will be approved, subject to the availability of funds, when the officers and members of the resident entity have successfully completed the first stage of training on any TOP initiative, dual management contract with the HA, or a HA-operated career-related training program. Generally, no more than 20% of the grant funds should be used for this purpose.

(7) Capacity building and training to facilitate resident participation in the Comprehensive Grant Program.

(8) Implementation of activities by a RC/RMC/RO associated with the operation and maintenance of the public and Indian housing project. Examples of eligible activities in this category that have not been mentioned previously are:

- Designing and implementing financial management systems that include provisions for budgeting, accounting, and auditing;
- Designing and implementing personnel policies; performance standards for measuring staff productivity; policies and procedures covering organizational structure, such as recordkeeping, maintenance, insurance, occupancy, and management information systems; any other recognized functional responsibilities relating to property management, in general, and public and Indian housing management, in particular; and responsibilities relating to any TOP initiative;
- Identifying the social support needs of residents, and the securing of that support by hiring a services coordinator to coordinate and assist in implementing the services needed by the residents, such as health clinics, day care, and security; and
- Assessing potential homeownership opportunities for residents within public and Indian housing or anywhere in the community.

(9) Administrative costs necessary for the implementation of activities outlined in paragraphs (1) through (8) of this Section I.H, "Eligible Activities," of the NOFA. Appropriate administrative costs include, but are not limited to, the following items or activities:

- Telephone, telegraph, printing, and sundry nondwelling equipment (such as office supplies, computer software, and

furniture). In addition, a reasonable portion of funds may be applied to the acquisition of equipment, such as computer hardware and copying machines, unless purchase of this equipment can be made from a grantee's operating budget. A grantee must justify the need for this equipment in relationship to its management capability and the level of its management responsibilities;

- HUD-approved travel directly related to activities for the development/training and implementation of resident management or any tenant opportunity initiatives, including conference fees, related per diem for meals, and miscellaneous travel expenses for individual staff or board members of the RC/RMC/RO; and

- Child care expenses for individual staff and board members, in cases where staff or board members who need child care are involved in training-related activities associated with the development of resident management entities. Not more than 2 percent of the total grant amount (0.02 times the grant award amount) may be used for expenses to support child care needs.

(10) For NROs/RROs/SROs only:

Organizing and establishing democratically elected and effective RCs/RMCs/ROs:

- Identifying existing funded resident organizations in a geographical area that are inactive and providing training and technical assistance to help them become active again;
- Assisting new resident organizations within a geographical area to become a RC, RMC, or RO; and
- Providing local or on-site training and technical assistance to the inactive or newly formed resident organization, to enable it to implement activities included in the Work Plan within the time and budget constraints.
- Providing training and technical assistance to the resident organizations in accomplishing any of the eligible activities related to the TOP initiatives.

I. Ineligible Activities

Ineligible items or activities include, but are not limited to, the following:

- (1) Entertainment, including associated costs such as food and beverages, except normal per diem for meals related to travel;
- (2) Purchase or rental of land or buildings or any improvements to land or buildings;
- (3) Activities not directly related to the TOP initiatives, e.g., lead-based paint testing and abatement and operating capital for economic development activities;

(4) Purchase of any vehicle (car, van, bus etc.) or any other property, other than as described under paragraph (9) of Section I.H, "Eligible Activities," of this NOFA, unless approved by HUD Headquarters or the local HUD Field Office;

(5) Architectural and engineering fees;

(6) Payment of salaries for routine project operations, such as security and maintenance, or for RC/RMC/RO staff, except that a reasonable amount of grant funds may be used to hire a person to coordinate the TOP grant activities or coordinate on-site social services;

(7) Payment of fees for lobbying services;

(8) Any fraudulent or wasteful expenditures or expenditures otherwise incurred contrary to HUD program regulations or directives will be considered ineligible expenditures, upon appropriate determination by an audit by HUD Field Office staff, and HUD will reduce the grantee's grant for the amount expended; and

(9) Any activity otherwise eligible under this NOFA for which funds are being provided from any other source.

J. Selection Process

Each application for a grant award that is submitted in a timely manner, as specified in the application kit, to the local HUD field office and that otherwise meets the requirements of this NOFA, will be evaluated. An application for either a Basic Grant or an Additional Grant must receive a minimum score of 80 points (out of the maximum of 115 points) to be eligible for funding. NROs/RROs/SROs must receive a minimum score of 80 points (out of a maximum of 110) to be eligible for funding. An RC/RMC/RO or NRO/RRO/SRO should submit its application to the appropriate local HUD Field Office (see Appendix to this NOFA). The local Field Office will transfer all RC/RMC/RO applications to a grant review site for processing by a Grants Management Team. Upon completion of the review, all applications will be placed in an overall nationwide ranking order and funded until all funds are exhausted, except that HUD may fund grants out of rank order based on geographical diversity and diversity in size and type of housing development (developments that include family high-rise buildings of five or more stories or those that include only low-rise buildings).

K. Rating Factors—Basic Grants

An application for funding for a Basic Grant will be reviewed based on the following Rating Factors (maximum of 115 points). This 115-point maximum

includes *10 Bonus Points* that will be given if the applicant can show evidence of clear and precise measures of performance in carrying out its plan to improve its public and Indian housing communities. Examples of such measures are lowering maintenance costs, reducing local crime, and increasing resident employment by certain percentage points.

(1) Describe the Activities and Goals of the RC/RMC/RO and the Community (Maximum Points: 30):

- A high score (Maximum Points: 30) is received where the RC/RMC/RO identifies activities and describes the goals of the community. The applicant includes a clear and effective plan for addressing the needs and accomplishing the overall goals of the RC/RMC/RO.

- A medium score (Maximum Points: 15) is received where the RC/RMC/RO identifies activities and describes the goals of the community, but the plan to address the needs and accomplish the goals is general.

- A low score (Maximum Points: 5) is received where the RC/RMC/RO does not identify any activities and the plan to address the needs and accomplish the goals of the community is unclear.

- A score of zero (0 points) will be given if the applicant fails to respond to this factor.

(2) Evidence of Support by Development's Residents, and Resident Involvement in the RC's/RMC's/RO's Activities (Maximum Points: 25):

- A high score (Maximum Points: 25) is received where the RC/RMC/RO describes the support by the residents and provides documentation that shows support and how involved the residents are in the RC's/RMC's/RO's activities.

An applicant must submit a copy of a petition and/or other documentation showing widespread support and involvement, minutes of the RC's/RMC's/RO's latest monthly meeting, and the attendance log.

- A medium score (Maximum Points: 10) is received where the RC/RMC/RO describes the support by the residents and the documentation of support includes minutes of the RC's/RMC's/RO's latest monthly meeting and attendance log, but no petition.

- A score of zero (0 points) is received where the RC/RMC/RO fails to provide documentation of support by the development's residents and no support is mentioned in the narrative.

(3) Evidence That the RC/RMC/RO Has a Partnership With the HA: (Maximum Points: 15):

- A high score (Maximum Points: 15) is received where the RC/RMC/RO provides a letter of support from the local HA that states its support of the

RC/RMC/RO, as well as a specific description of what assistance the HA will undertake on behalf of the RC/RMC/RO.

- A medium score (Maximum Points: 10) is received where either: (i) The RC/RMC/RO provides a letter of support from the HA that does not specifically state the activities for which the HA will provide assistance; or (ii) the RC/RMC/RO provides detailed documents (e.g., copies of correspondence exchanged with the HA, summaries of meetings held with the HA, and summaries of efforts made to establish a partnership with the HA) indicating that the residents have made a substantial effort to establish a partnership with the HA, but the HA will not support the RC's/RMC's/RO's activities.

- A low score (Maximum Points: 5) is received if the applicant mentions HA support or obstacles encountered in attempting to build a partnership with the HA.

- A score of zero (0 points) is received where the RC/RMC/RO fails to submit a letter of support or documentation of its efforts to obtain HA support.

(4) Evidence That the RC/RMC/RO Has Support of State/Tribal/Local Government, Community Organizations, or Other Public/Private Sector Groups (Maximum Points: 20 + 5 bonus points). Under this factor, 5 Bonus Points will be given if the applicant submits evidence that specific support is provided by Weed and Seed organizations.

Otherwise, maximum point value is given where the support letters contain specific commitments, such as financial assistance, technical assistance, on-the-job training, or other tangible support.

- A high score (Maximum Points: 20) is received where the RC/RMC/RO provides copies of letters of support discussing specific assistance from three or more entities (e.g., State/Tribal/local government, community organizations, or other public/private sector groups).

- A medium score (Maximum Points: 12) is received where the RC/RMC/RO provides a letter of support from two entities.

- A low score (Maximum Points: 5) is received where the RC/RMC/RO fails to provide any letters of support, but support of the State/Tribal/local government, community organizations, or other public/private sector groups is mentioned in the narrative.

(5) Capability of RC/RMC/RO in Handling Financial Resources (Maximum Points: 10). This factor can be demonstrated by including previous experience of the RC/RMC/RO or by providing an explanation of how the financial resources will be obtained:

- A high score (Maximum Points: 10) is received where the RC/RMC/RO provides evidence of having 2 or more years of experience in handling financial resources and has adequate accounting procedures in place or provides a plan to partner with the HA or hire a private organization to develop the financial controls.

- A medium score (Maximum Points: 5) is received where the RC/RMC/RO provides evidence of having up to 2 years of experience in handling financial resources, but no accounting procedures are established nor has a plan been provided to partner with the HA or hire a private organization to develop the financial controls.

- A score of zero (0 points) is received where the RC/RMC/RO has no experience in handling financial matters and there is clearly no accounting system or procedures established.

L. Rating Factors—Additional Grants

An application for funding for an Additional Grant will be reviewed based on the following Rating Factors (maximum 115 points). This 115-point maximum includes *10 Bonus Points* that will be given if the applicant can show evidence of clear and precise measures of performance in carrying out its plan to improve its public and Indian housing communities. Examples of such measures are proposing to lower maintenance costs, reduce local crime and increase resident employment by certain percentage points.

(1) Evidence of Need for Additional Funding (Maximum Points: 30):

- A high score (Maximum Points: 30) is received where the RC/RMC/RO provides a copy of evidence showing the completion of all of the activities listed below, therefore demonstrating progress and a need for additional funding:

- (a) Developed an active community organization that includes democratically elected officers (example: election certification signed by the local HA or an independent third-party organization and minutes of meetings);

- (b) Developed by-laws pursuant to 24 CFR part 905, subpart O, or 24 CFR part 964, whichever is applicable, that govern the operation of the organization (example: a copy of the RC's/RMC's/RO's by-laws);

- (c) Developed an organizational structure that consists of floor/block captains or residential community groups and program committees to carry out specific tasks (example: a copy of the RC's/RMC's/RO's organization structure that lists floor/block captains,

community groups, and program committees);

- (d) Developed a basic financial management and accounting system that will provide effective control over and accountability for all grant funds, or acquired an accounting service to perform this function (example: a certification that the accounting system is developed);

- (e) Developed a Memorandum of Understanding (MOU) between the RC/RMC/RO and HA that states the elements of their relationship and delineates what support the HA will provide to the resident organization (e.g., on-the-job training, technical assistance, equipment, space, transportation, etc.) and the activities to be conducted by the RC/RMC/RO (example: a copy of an executed MOU between the RC/RMC/RO and HA);

- A medium score (Maximum Points: 20) is received where the RC/RMC/RO submits evidence of completing 4 of the activities listed under "high score" of this factor.

- A low score (Maximum Points: 10) is received where the RC/RMC/RO submits evidence of completing 2 of the activities listed under "high score" of this factor.

- A score of zero (0 points) is given if the applicant submits no evidence of accomplishing any of the activities listed under "high score" of this factor or it is clear that the applicant has made no progress in the previous activities.

(2) *Evidence of Support by Development's Residents, and Resident Involvement in the RC's/RMC's/RO's Activities* (Maximum Points: 25):

- A high score (Maximum Points: 25) is received where the RC/RMC/RO describes the support by the residents and provides documentation that shows support and how involved are the residents in the RC's/RMC's/RO's activities. An applicant must submit a copy of a petition and/or other documentation showing widespread support and involvement, minutes of the RC's/RMC's/RO's latest monthly meeting, and the attendance log.

- A medium score (Maximum Points: 10) is received where the RC/RMC/RO describes the support by the residents and the documentation of support includes minutes of the RC's/RMC's/RO's latest monthly meeting and attendance log, but no petition.

- A score of zero (0 points) is received where the RC/RMC/RO fails to provide documentation of support by the development's residents or does not mention support in the narrative.

(3) *Evidence That the RC/RMC/RO has a Strong Partnership With the HA* (Maximum Points: 25):

- A high score (Maximum Points: 25) is received where the RC/RMC/RO provides a letter of support from the local HA that states its support of the RC/RMC/RO, as well as a specific description of what assistance the HA will undertake on behalf of the RC/RMC/RO (e.g., on-the-job training, technical assistance, equipment, space, transportation, etc.).

- A medium score (Maximum Points: 15) is received where either: (i) the RC/RMC/RO provides a letter of support from the HA that does not specifically state the activities for which the HA will provide assistance; or (ii) the RC/RMC/RO provides detailed documents (e.g., copies of correspondence exchanged with the HA, summaries of meetings held with the HA, and summaries of efforts made to establish a partnership with the HA) showing that the residents have made a substantial effort to establish a partnership with the HA, but the HA will not support the RC's/RMC's/RO's activities. Up to 5 points will be awarded if support is mentioned or obstacles encountered in attempting to build a partnership with the HA are mentioned.

- A score of zero (0 points) is received where the RC/RMC/RO fails to submit a letter of support or documentation of its efforts to obtain such support.

(4) *Evidence That the RC/RMC/RO has the Support of the State/Tribal/Local Government, Community Organizations, or Other Public/Private Sector Groups* (Maximum Points: 20 + 5 bonus points). Under this factor *5 Bonus Points* will be given if the applicant submits evidence that specific support is provided by Weed and Seed organizations. Otherwise, maximum point value is given where the support letters contain specific commitments, such as financial assistance, technical assistance, on-the-job training, or other tangible support.

- A high score (Maximum Points: 20) is received where the RC/RMC/RO provides copies of letters from three or more entities (e.g., State/Tribal/local government, community organizations, or other public/private sector groups).

- A medium score (Maximum Points: 10) is received where the RC/RMC/RO provides letters of support from two entities.

- A low score (Maximum Points: 5) is received where the RC/RMC/RO provides a letter of support from one entity.

M. Rating Factors—NROs/RROs/SROs

An application for funding will be reviewed based on the following Rating Factors (maximum of 110 points). This

110-point maximum includes *10 Bonus Points* that will be given if the applicant can show evidence of clear and precise measures of performance in carrying out its plan to improve its public and Indian housing communities (e.g., measures proposed for creating new RCs).

(1) *Describe the Goals and Objectives of the NRO/RRO/SRO* (Maximum Points: 35):

- A high score (Maximum Points: 35) is received where the NRO/RRO/SRO provides a detailed plan clearly describing the proposed methods for accomplishing the overall goals and objectives of organizing and training RCs/RMCs/ROs in the TOP initiatives. Applicants should also provide a description of the proposed training, identify selected trainers, and submit support letters from selected trainers.

- A medium score (Maximum Points: 15) is received where the NRO/RRO/SRO provides a general outline of proposed methods for accomplishing the goals and objectives of organizing and training RCs/RMCs/ROs in the TOP initiatives.

- A score of zero (0 points) is received where the NRO/RRO/SRO does not clearly state the goals and objectives of the TOP initiative.

(2) *Evidence of Support by NRO/RRO/SRO Board of Directors and the Local Housing Authority* (Maximum Points: 10):

- A high score (Maximum Points: 10) is received where the NRO/RRO/SRO provides documentation that shows support from its board of directors, as evidenced by a board resolution, minutes of meetings, and letters of support. The applicants should also provide a letter of support from each HA where the applicant proposes to train residents.

- A medium score (Maximum Points: 5) is received where the NRO/RRO/SRO provides documentation of support that is limited to minutes of meetings.

- Low score (Maximum Points: 2) is received where the NRO/RRO/SRO fails to provide documentation of support, but support is mentioned.

(3) *Evidence of Prior Resident Training Experience*. This factor can be demonstrated by the support of the RCs/RMCs/ROs and the local HAs. The letters of support should indicate the success and quality of prior training. (Maximum Points: 30):

- A high score (Maximum Points: 30) is received where the applicant provides documentation that shows support by the residents (i.e., letters of support, board resolutions, and minutes of meetings) and support letters from the HA.

- A medium score (Maximum Points: 15) is received where the applicant provides documentation that is limited to minutes of meetings.

- Low score (Maximum Points: 5) is received where the applicant fails to provide documentation of support by the development's residents and the HA, but support is mentioned.

(4) *Evidence of the Capability to Provide Local Training*. The applicant should demonstrate the ability to sustain the training and technical assistance through provision of local or on-site trainers and to coordinate these activities throughout the grant period. The applicant should also demonstrate that the residents will have access to continued training and technical assistance through the local provider after the completion of the grant period. (Maximum Points: 15):

- A high score (Maximum Points: 15) is received where the applicant provides a detailed plan clearly showing its capability to identify and provide local training and to coordinate activities of the local training provider.

- A medium score (Maximum Points: 5) is received where the applicant provides a general description of its capability to identify and provide local training.

- A score of zero (0 points) is received where the applicant does not clearly state its capability to identify and provide local training.

(5) *Capability of Handling Financial Resources*. This factor can be demonstrated through previous experience, adequate financial control procedures, or similar evidence, or by an explanation of how such capability will be obtained. (Maximum Points: 10):

- A high score (Maximum Points: 10) is received where the NRO/RRO/SRO provides evidence of having 2 or more years of experience in handling financial resources and has adequate accounting procedures in place.

- A medium score (Maximum Points: 5) is received where the NRO/RRO/SRO provides evidence of having less than 2 years of experience in handling financial resources or has provided a plan for developing financial controls that are adequate.

- A score of zero (0 points) is received where the NRO/RRO/SRO has no experience in handling financial matters and does not submit evidence that shows that an adequate accounting system is in place or under development.

N. HA Notification

HUD will send a notification to the HAs associated with the applications selected for funding.

II. Application Process

A. Actions Preceding Application Submission

Consistent with this NOFA, HUD may direct a HA to notify its existing RCs/RMCs/ROs, as well as NROs, SROs, and RROs, of this funding opportunity. It is important for residents to be advised that, even in the absence of a RC/RMC/RO, the opportunity exists to establish a RC/RMC/RO before applying for funding. If no RC/RMC/RO exists for any of the developments, HUD encourages a HA to post this NOFA in a prominent location within the HA's main office, as well as in each development's office.

B. Application Submission and Development

(1) *Submission*. An application kit is required as the formal submission to apply for funding. The kit includes the overview of the TOP program, application requirements, forms, certifications, assurances, worksheets, selection criteria, workplan and budget information. An application may be obtained by writing the Resident Initiatives Clearinghouse, P.O. Box 6091, Rockville, MD 20850, or by calling the toll-free number: 1-800-955-2232. Requests for application kits must include your name, mailing address (including zip code), and telephone number (including area code), and should refer to document FR-3828. Applications may be requested beginning March 1, 1995. Each RC/RMC/RO and NRO/RRO/SRO must submit its application to the local HUD Field Office or, in the case of an IHA, to the appropriate HUD Office of Native American Programs, listed in the Appendix to this NOFA.

Each applicant must submit the original and 2 copies of its application. The Appendix lists addresses of HUD Field Offices that will accept a completed application. All applications must be received by the local HUD Field Office no later than 3:00 p.m. (local time) on the deadline date listed in the application kit. In the interest of fairness to all competing applicants, any application that is received after the deadline date and time will be considered ineligible. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. HUD will date-stamp incoming applications to evidence (timely or late) receipt, and, upon request, will provide an acknowledgment of receipt. Facsimile

and telegraphic applications are not authorized and will not be considered.

HUD also encourages an applicant to submit a copy of the application to the HA for the jurisdiction in which the RC/RMC/RO is located.

(2) *Development.* (a) The application must contain the following information:

(i) *For all applicants:* Narrative statements addressing the issues outlined in paragraph (2)(b) of this Section II.B ("Application Submission and Development") of the NOFA.

(ii) *RCs/RMCs/ROs:* Name and address of the RC/RMC/RO. Name and title of the board members of the RC/RMC/RO and date of the last election. A copy of the RC's/RMC's/RO's organizational documents (board resolution, charter, articles of incorporation (if incorporated)) and by-laws, narratives for all rating factors (Basic or Additional Grant), support letters, evidence needed for certain rating factors, forms, certifications, assurances, workplan, and budget information. Name and phone number of contact person (in the event further information or clarification is needed during the application review process). Name, address, and phone number of the HA for the applicant's jurisdiction, to which inquiries may be addressed concerning the application.

(iii) *NROs/RROs/SROs:* Name and address of the applicant. Name, title, and telephone number of a contact person (in the event further information or clarification is needed during the application review process). Name and title of the board members and date of last election. A copy of the articles of incorporation and nonprofit documents (i.e., by-laws, tax-exempt status or other organizational documents). Applicants should also include a narrative statement discussing the geographical areas in which the applicant wishes to organize RCs/RMCs/ROs. In addition, the name and address of the HA for any jurisdiction in which the applicant proposes to organize new or inactive RCs/RMCs/ROs, and a proposed schedule of activities.

(b) *The narrative statements* required under paragraph (2)(a)(i) of this Section II.B of the NOFA shall include the following:

(i) *For all applicants:*

- The name of any development for which the funds are proposed to be used;
- A summary of the program proposed in the application. Also include in the summary the proposed length of time, in months, needed to complete TOP activities (i.e., 24 months, 36 months, etc). The maximum length to complete all activities is 5 years;

- The application must be signed by an authorized member of the board of the RC/RMC/RO or NRO/RRO/SRO (not the HA), and must include a resolution from the RC/RMC/RO or NRO/RRO/SRO stating that it agrees to comply with the terms and conditions established under this program and under 24 CFR parts 964 (for public housing) and 905 (for Indian housing); and

- Assurances (e.g., board resolution or certificate) that the RC/RMC/RO or NRO/RRO/SRO will comply with all applicable Federal laws, Executive Orders, regulations, and policies governing this program, including all applicable civil rights laws, regulations, and program requirements.

(ii) *For Basic Grant applicants:*

- Factor 1: A narrative describing the activities of the RC/RMC/RO and the community and overall group goals for specified TOP initiatives and how the proposed activities will meet the needs of the RC/RMC/RO;

- Factor 2: A narrative describing the extent to which the residents support the proposed activities of the RC/RMC/RO and how active the residents are in the community.

- Factor 3: A narrative describing the partnership with the HA and the extent to which the HA supports the activities outlined in the proposal;

- Factor 4: A narrative describing the extent to which local agencies, community organizations, and the private sector support the activities outlined in the proposal, including the provision of financial resources, technical assistance, or other support; and

- Factor 5: A narrative describing the RC's/RMC's/RO's financial and accounting procedures that have been implemented, or plans to develop these procedures, to ensure that funds are properly spent.

(iii) *For Additional Grant applicants:*

- Factor 1: Provide evidence that certain activities are completed which demonstrates the need for additional funding;

- Factor 2: A narrative describing the extent to which the residents support the proposed activities of the RC/RMC/RO and how active the residents are in the community.

- Factor 3: A narrative describing the extent to which the local HA supports the activities outlined in the proposal; and

- Factor 4: A narrative describing the extent to which local agencies, community organizations, and the private sector support the activities outlined in the proposal, including the provision of financial resources, technical assistance, or other support.

(iv) For NRO/RRO/SRO applicants:

- Factor 1: A narrative describing the activities proposed by the NROs/RROs/SRO and providing a detailed plan that clearly describes the methods for accomplishing the goals and objectives of the TOP initiatives;

- Factor 2: A narrative describing the extent to which the board of the NRO/RRO/SRO and the HA support the proposed activities;

- Factor 3: A narrative describing the applicant's prior experience in training residents, which can be demonstrated by the support of the RCs/RMCs/ROs and the local HAs. The letters of support should indicate the success and quality of training;

- Factor 4: A narrative describing the organization's capability for providing local training; and

- Factor 5: A narrative describing the project's financial and accounting procedures, or plans to develop these procedures to ensure that funds are spent properly.

(3) *HA Support.* (a) HUD is in full support of a cooperative relationship between each RC/RMC/RO and its HA. A resident organization is urged to involve its HA in the application planning and submission process. This can be achieved through meetings to discuss resident concerns and objectives and how best to translate these objectives into activities in the application. The RC/RMC/RO is also encouraged to obtain a letter of support from the HA, indicating to what extent the HA supports the proposed activities listed by the RC/RMC/RO and how the HA will assist the RC/RMC/RO. To foster partnership, HUD encourages NROs/RROs/SROs to obtain letters of acknowledgment from the appropriate HAs regarding the intent to organize residents.

(b) A RC/RMC/RO is encouraged to include an indication of support and assistance by development residents (e.g., RC/RMC/RO Board resolution, copies of minutes, letters, petition, etc.), the neighboring community, and local public or private organizations.

(c) All Additional Grant applicants should include in their applications documentation that demonstrates the need for additional funding, as well as support letters from the HA and local and private organizations.

III. Checklist of Application Submission Requirements

The Application Kit will contain a checklist of all application submission requirements to complete the application process.

A. Training Requirements

(1) RC/RMC/RO grantees are required to have training, and NRO/SRO/RRO grantees are requested to provide training, in the areas listed below, but the amount and scope of training will depend on the resident groups' goals. For example, training required to assume property management is more extensive than training needed to establish a landscaping enterprise. The required training areas are:

(a) HUD regulations and policies governing the operation of low-income housing, which includes the part 900 series of 24 CFR; Section 3 (of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u), implemented in 24 CFR part 135; other Fair Housing Act requirements; and applicable civil rights laws as implemented for public housing (24 CFR part 964) and Indian housing (24 CFR part 905);

(b) Financial management, including budgetary and accounting principles and techniques, in accordance with Federal guidelines, including OMB Circulars A-110 (and implementing regulations at 24 CFR part 84) and A-122, which contain Federal administrative requirements for grants, and A-133, relating to audit requirements for nonprofit organizations;

(c) Capacity building to develop the necessary skills to assume management responsibilities at the project; and

(d) Based on the goals of the RC/RMC/RO, property management or any TOP activities training that is required.

(2) Each grantee must ensure that this training is provided by a qualified housing management specialist (Consultant/Trainer), community development specialist, the HA, or other local agencies knowledgeable about the program.

B. OMB Procurement Requirements

(1) The resident grantees must follow 24 CFR part 84, which implements OMB Circular A-110 and prescribes standards and policies essential to the proper execution of procurement transactions, including standards of conduct for resident grantees' employees, officers, or agents engaged in procurement actions, to avoid any conflict of interest.

(2) A grantee may use two methods in obtaining consultant services:

(a) A "full service" approach may be used where the applicant solicits competitive proposals for assisting in the preparation of the application, with inclusion of the consultant work if the applicant is selected to receive a grant. The total allowed for hiring an individual consultant for this purpose

shall not exceed 50% or \$50,000, whichever is less, of the total award to the grantee. The evaluation criteria in the solicitation must address the qualifications and experience of prospective consultants for all tasks (the contract may stipulate that in the event that the application is not approved, the consultant is not entitled to any payment); and

(b) Separation of application preparation from consultant work to be performed after the award of a grant. This approach allows an applicant to solicit competitive proposals and contract with a Consultant-Trainer/Housing Management Specialist for the development of an application for technical assistance funding. If the applicant is selected for funding, the Consultant-Trainer/Housing Management Specialist must compete along with other prospective Consultant-Trainer/Housing Management Specialists through an open and free procurement process for a training and technical assistance contract. This will eliminate any competitive advantage attained by the Consultant-Trainer/Housing Management Specialist who was awarded a contract for the development of the application/Work Plan and Budget. The total allowed for hiring an individual consultant for this purpose shall not exceed 50% or \$50,000, whichever is less, of the total award to the grantee.

IV. Corrections to Deficient Applications

HUD will notify an applicant in writing of any technical deficiencies in the application. Any deficiency capable of cure will involve only items not necessary for HUD to assess the merits of an application against the Rating Factors specified in this NOFA. For example, signatures needed on certain forms, certifications, workplan, budget, and other required forms may be considered curable deficiencies. All applicants including NROs/RROs/SROs must submit corrections to the local HUD Field Office (including Native American Program Offices, as appropriate) within 14 calendar days from the date of HUD's letter notifying the applicant of any technical deficiency. If corrections are received by the local Field Office after the 14-day timeframe, the applications will be considered incomplete and will not be considered for funding.

After the application due date, applicants will not have an opportunity to submit independently information omitted from the application that directly relates to the evaluation factors

contained in the subheading "Rating Factors" of this NOFA, so as to enhance the merits of the application. HUD encourages all applicants to submit all documents with their applications before the due date, so that applicants will not be affected by the technical deficiency period.

V. Other Matters

A. Freedom of Information Act

Applications submitted in response to this NOFA are subject to disclosure under the Freedom of Information Act (FOIA). To assist the Department in determining whether to release information contained in an application in the event a FOIA request is received, an applicant may, through clear earmarking or otherwise, indicate those portions of its application that it believes should not be disclosed. The applicant's views will be used solely to aid the Department in preparing its response to a FOIA request; the Department is required by the FOIA to make an independent evaluation of the information.

HUD suggests that an applicant provide a basis, when possible, for its belief that confidential treatment is appropriate; general assertions or blanket requests for confidentiality, without more information, are of limited value to the Department in making determinations concerning the release of information under FOIA. The Department is required to segregate disclosable information from non-disclosable items, so an applicant should be careful to identify each portion of the application for which confidential treatment is requested.

The Department emphasizes that the presence or absence of comments or earmarking regarding confidential information will have no bearing on the evaluation of applications submitted in response to this solicitation.

B. Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(b) of the HUD regulations, the policies and procedures contained in this rule relate only to technical assistance and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

C. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this notice does not have potential for significant impact on

family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this notice, as those policies and programs relate to family concerns.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this notice will not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order. The NOFA will fund technical assistance and activities for resident management and other TOP initiatives of public and Indian housing. It will have no meaningful impact on States or their political subdivisions.

E. Documentation and Public Access Requirements; Applicant/Recipient Disclosures: HUD Reform Act

Documentation and public access requirements. Pursuant to section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) (HUD Reform Act), HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Materials will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in a **Federal Register** notice of recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no

case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

F. Prohibition Against Advance Information on Funding Decisions

Section 103 of the HUD Reform Act proscribes the communication of certain information by HUD employees to persons not authorized to receive that information during the selection process for the award of assistance. HUD's regulation implementing section 103 is codified at 24 CFR part 4 (see 56 FR 22088, May 13, 1991). In accordance with the requirements of section 103, HUD employees involved in the review of applications and in the making of funding decisions are restrained by 24 CFR part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4. Applicants who have questions should contact the HUD Office of Ethics (202) 708-3815 (voice/TDD). (This is not a toll-free number.)

G. Prohibition Against Lobbying of HUD Personnel

Section 112 of the HUD Reform Act added a new section 13 to the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*). Section 13 contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 is implemented in 24 CFR part 86. If readers are involved in any efforts to influence the Department in

these ways, they are urged to read part 86, particularly the examples contained in Appendix A of that part.

Any questions about the rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410-3000. Telephone: (202) 708-3815 (voice/TDD) (these are not toll-free numbers). Forms necessary for compliance with the rule may be obtained from the local HUD office.

H. Drug-Free Workplace Certification

The Drug-Free Workplace Act of 1988 (42 U.S.C. 701) requires grantees of federal agencies to certify that they will provide drug-free workplaces. Each potential recipient under this NOFA must certify that it will comply with drug-free workplace requirements in accordance with the Act and with HUD's rules at 24 CFR part 24, subpart F.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program number is 14.853.

Authority: 42 U.S.C. 1437r; 42 U.S.C. 3535(d).

Dated: February 22, 1995.

Joseph H. Shuldiner,

Assistant Secretary for Public and Indian Housing.

Appendix—Names, Addresses, and Telephone Numbers of HUD Field Offices Accepting Applications for Tenant Opportunities Program Technical Assistance

Massachusetts State Office

Public Housing Division, Room 375, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, Massachusetts 02222-1092, (617) 565-5234

Connecticut State Office

Public Housing Division, First Floor, 330 Main St., Hartford, Connecticut 06106-1860, (203) 240-4523

New Hampshire State Office

Public Housing Division, Norris Cotton Federal Building, 275 Chestnut St., Manchester, New Hampshire 03101-2487, (603) 666-7681

Rhode Island State Office

Public Housing Division, Sixth Floor, 10 Weybosset Street, Providence, Rhode Island 02903-3234, (401) 528-5351

New York State Office

Public Housing Division, 26 Federal Plaza, New York, New York 10278-0068, (212) 264-6500

Buffalo Area Office

Public Housing Division, 465 Main Street, Lafayette Court, 5th Floor, Buffalo, New York 14203-1780, (716) 846-5755

New Jersey State Office

Public Housing Division, One Newark Center, Thirteenth Floor, Newark, New Jersey 07102-5260, (201) 622-7900

Washington, D.C. Office

Public Housing Division, 820 First St. N.E., Suite 300, Washington, D.C. 20002-4502, (202) 275-9200

Pennsylvania State Office

Public Housing Division, Liberty Square Building, 105 South Seventh Street, Philadelphia, Pennsylvania 19106-3392, (215) 597-2560

Maryland State Office

Public Housing Division, City Crescent Building, 10 South Howard St., 5th Floor, Baltimore, Maryland 21202-2505, (410) 962-2520

Pittsburgh Area Office

Public Housing Division, 412 Old Post Office Courthouse, 7th Avenue and Grant St., Pittsburgh, Pennsylvania 15219-1906, (412) 644-6428

Virginia State Office

Public Housing Division, The 3600 Centre, 3600 West Broad St., P.O. Box 90331, Richmond, Virginia 23230-0331, (804) 278-4507

West Virginia State Office

Public Housing Division, 405 Capitol St., Suite 708, Charleston, West Virginia 25301-1795, (304) 347-7000

Georgia State Office

Public Housing Division, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303-3388, (404) 331-5136

Alabama State Office

Public Housing Division, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, Alabama 35209-3144, (205) 290-7617

Kentucky State Office

Public Housing Division, P.O. Box 1044, 601 W. Broadway, Louisville, Kentucky 40201-1044, (502) 582-5251

Mississippi State Office

Public Housing Division, Dr. A. H. McCoy Federal Building, 100 West Capitol St., Suite 910, Jackson, Mississippi 39269-1096, (601) 965-5308

North Carolina State Office

Public Housing Division, Koger Building, 2306 W. Meadowview Rd., Greensboro, North Carolina 27407-3707, (910) 547-4001

Caribbean Office

Public Housing Division, New San Juan Office Building, 159 Carlos E. Chardon Ave., San Juan, Puerto Rico 00918-1804, (809) 766-6121

South Carolina State Office

Public Housing Division, Strom Thurmond Federal Building, 1835 Assembly St.,

Columbia, South Carolina 29201-2480, (803) 765-5592

Knoxville Area Office

Public Housing Division, John J. Duncan Federal Building, 710 Locust St., 3rd Floor, Knoxville, Tennessee 37902-2526, (615) 545-4384

Tennessee State Office

Public Housing Division, 251 Cumberland Bend Drive, Suite 200, Nashville, Tennessee 37228-1803, (615) 736-5213

Jacksonville Area Office

Public Housing Division, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, Florida 32202-5121, (904) 232-2626

Illinois State Office

Public Housing Division, Ralph Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 353-5680

Michigan State Office

Public Housing Division, Patrick V. McNamara Federal Building, 477 Michigan Ave., Detroit, Michigan 48226-2592, (313) 226-7900

Indiana State Office

Public Housing Division, 151 North Delaware St., Indianapolis, Indiana 46204-2526, (317) 226-6303

Grand Rapids Area Office

Public Housing Division, 2922 Fuller Ave., N.E., Grand Rapids, Michigan 49505-3499, (616) 456-2100

Minnesota State Office

Public Housing Division, 220 2nd St. South, Bridge Place Building, Minneapolis, Minnesota 55401-2195, (612) 370-3000

Cincinnati Area Office

Public Housing Division, 525 Vine St., 7th Floor, Cincinnati, Ohio 45202-3188, (513) 684-2884

Cleveland Area Office

Public Housing Division, Renaissance Building, 1350 Euclid Ave., 5th Floor, Cleveland, Ohio 44115-1815, (216) 522-4058

Ohio State Office

Public Housing Division, 200 North High Street, Columbus, Ohio 43215-2499, (614) 469-5737

Wisconsin State Office

Public Housing Division, Henry S. Reuss Federal Plaza, 310 W. Wisconsin Ave., Suite 1380, Milwaukee, Wisconsin 53203-2289, (414) 297-3214

Texas State Office

Public Housing Division, 1600 Throckmorton, P.O. Box 2905, Fort Worth, Texas 76113-2905, (817) 885-5401

Houston Area Office

Public Housing Division, Norfolk Tower, 2211 Norfolk, Suite 200, Houston, Texas 77098-4096, (713) 834-3274

San Antonio Area Office

Public Housing Division, Washington Square Building, 800 Dolorosa St., San Antonio, Texas 78207-4563, (210) 229-6800

Arkansas State Office

Public Housing Division, TCBY Tower, 425 West Capitol Ave., Little Rock, Arkansas 72201-3488, (501) 324-5931

Louisiana State Office

Public Housing Division, Fisk Federal Building, 1661 Canal St., Suite 3100, New Orleans, Louisiana, 70112-2887 (504) 589-7200

New Mexico State Office

Public Housing Division, 625 Truman Street N.E., Albuquerque, NM 87110-6443, (505) 262-6463

Nebraska State Office

Public Housing Division, 10909 Mill Valley Rd., Omaha, Nebraska 68154-3955, (402) 492-3100

St. Louis Area Office

Public Housing Division, Robert A. Young Federal Building, 1222 Spruce St. Room 3207, St. Louis, Missouri 63103-2836, (314) 539-6583

Kansas/Missouri State Office

Public Housing Division, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, Kansas 66101-2406, (913) 551-5462

Iowa State Office

Public Housing Division, Federal Building, 210 Walnut St., Rm. 239, Des Moines, Iowa 50309-2155, (515) 284-4512

Colorado State Office

Public Housing Division, 633 17th Street, First Interstate Tower North, Denver, Colorado 80202-3607, (303) 672-5440

California State Office

Public Housing Division, Philip Burton Federal Building & U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, California 94102-3448, (415) 556-4752

Hawaii State Office

Public Housing Division, 7 Waterfront Plaza, 500 Ala Moana Blvd., Suite 500, Honolulu, Hawaii 96813-4918, (808) 552-8175

Los Angeles Area Office

Public Housing Division, 1615 W. Olympic Blvd., Los Angeles, California 90015-3801, (213) 251-7122

Sacramento, California Office

Public Housing Division, 777 12th St., Suite 200, Sacramento, California 95814-1997, (916) 551-1351

Arizona State Office

Public Housing Division, Two Arizona Center, 400 N. 5th St., Suite 1600, Phoenix, Arizona 85004-2361, (602) 379-4434

Oregon State Office

Public Housing Division, Cascade Building, 520 Southwest Sixth Ave., Portland, Oregon 97204-1596, (503) 326-2561

Washington State Office

Public Housing Division, Suite 200, Seattle
Federal Office Building, 909 First Avenue,
Seattle, Washington 98104-1000, (206)
220-5101

Alaska State Office

Public Housing Division, University Plaza
Building, 949 E. 36th Ave., Suite 401,
Anchorage, Alaska 99508-4399, (907) 271-
4170

Native American Program Offices

*Serves: All States East of the Mississippi
River and Iowa*

Administrator, Eastern/Woodlands Office of
Native American Programs, 5P, 77 W.
Jackson Boulevard, 24th Floor, Chicago,
Illinois 60604-3507, (312) 886-4532

*Serves: Oklahoma, Kansas, Missouri, Texas,
Arkansas and Louisiana*

Administrator, Southern Plains Office of
Native American Programs, 6.7P, Murrah
Federal Building, 200 N.W. 5th Street,
Oklahoma City, Oklahoma 73102, (405)
231-4101

*Serves: Colorado, Montana, the Dakotas,
Nebraska, Utah and Wyoming*

Mr. Vernon Haragara, Administrator,
Southern Plains Office of Native American
Programs, 8P, First Interstate Tower North,
633 17th Street, Denver, Colorado 80202-
3607, (303) 672-5462

*Serves: California, Nevada, Arizona and New
Mexico*

Mr. Raphael Mecham, Administrator,
Southwest Office of Native American

Programs, Two Arizona Center, 9 OIP, 400
N. Fifth Street, Suite 1650, Phoenix,
Arizona 85004, (602) 379-4156

Serves: Washington, Idaho and Oregon

Mr. Jerry Leslie, Administrator, Northwest
Office of Native American Programs, 10PI,
Seattle Federal Office Building, 909 First
Avenue, Suite 300, Seattle, Washington
98104, (206) 220-5270

Serves: Alaska

Mr. Marlin Knight, Administrator, Alaska
Office of Native American Programs,
10.1PI, University Plaza Building, 949 East
36th Avenue, Suite 401, Anchorage, Alaska
99508-4399, (907) 271-4633

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